



Docket No.: 218874US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/030,194
Applicants: Michel RENARD, et al.
Filing Date: August 15, 2002
For: MUTANT GENE OF THE GRAS FAMILY AND
PLANTS WITH REDUCED DEVELOPMENT
CONTAINING SAID MUTANT GENE
Group Art Unit: 1638
Examiner: Baum, S.F.

SIR:

Attached hereto for filing are the following papers:

Response to Notification of Non-Compliant Amendment

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RE APPLICATION OF:

Michel RENARD, et al.

SERIAL NO: 10/030,194

FILED: AUGUST 15, 2002

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: EXAMINER : BAUM, S.F.

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: ART UNIT: 1638

FOR: MUTANT GENE OF THE GRAS FAMILY AND PLANTS WITH REDUCED
DEVELOPMENT CONTAINING SAID MUTANT GENE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

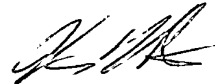
In response to the Official Communication mailed January 19, 2006, Applicants respectfully request withdrawal of the Notice of Non-Compliant Amendment on the grounds of Office error. In the Official Communication the Legal Instruments Examiner has indicated that the amendments to the drawings are not properly identified as "Replacement Sheet," "New Sheet," or "Annotated Sheet" per 37 C.F.R. §1.121(d). Applicants submit that a copy of original Figure 1 was submitted along with the response filed on December 28, 2005, for evidentiary purposes only (see page 7, lines 15-17 of the response filed December 28, 2005) and is not actually an amended drawing under 37 C.F.R. §1.121(d). In response to the Examiner's objection to the drawings issued in the Office Action mailed July 29, 2005, the specification was amended to include a Brief Description of the Drawings but the drawings were not actually amended. Thus, an identifier of "Replacement Sheet," "New Sheet," or

“Annotated Sheet” is not required as an evidentiary submission does not fall within the definition of 37 C.F.R. §1.121(d).

Applicants respectfully request that this Office acknowledge the error by withdrawing the Notice of Non-Compliant Amendment and forwarding this application on for further examination on the merits. Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



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